

**Economic and Social Council**

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Permanent Forum on Indigenous Issues**Twelfth session**

New York, 20-31 May 2013

Agenda item 5

Comprehensive dialogue with United Nations agencies and funds**Follow-up on the recommendations of the Permanent Forum****Comprehensive dialogue with United Nations agencies and funds**

1. The Permanent Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Economic and Social Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.
2. It is the understanding of the secretariat that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.
3. The Permanent Forum engaged in an interactive dialogue with the international financial institutions (the World Bank, the African Development Bank, the Asian Development Bank, the Inter-American Development Bank and the International Finance Corporation). Development projects financed by international financial institutions have significant impacts on the rights and livelihoods of indigenous peoples, who worldwide constitute a disproportionately high percentage of the poor and who have lower levels of education and a greater incidence of disease and discrimination than other groups. The Forum welcomes the opportunity to engage in a dialogue with the multilateral development banks — the first of its kind in the operative years of the Forum — and hopes that it will result in a more structured relationship between the Forum and the banks and that it will feed into the outcome of the processes to review and update safeguard policies that many of the banks are currently undertaking.
4. The Permanent Forum recommends that international financial institutions unequivocally acknowledge the collective right of indigenous peoples to their lands, territories and resources in their safeguard policies and in all development project contexts (not merely in exceptional circumstances). Banks should not support any projects that affect indigenous peoples without prior recognition of and effective



guarantees for their collective rights to own, control and manage their lands, territories and resources.

5. The Permanent Forum recommends that international financial institutions adopt and incorporate the right of indigenous peoples to free, prior and informed consent, without qualification, into their safeguard policies and project-related instruments. International financial institutions must ensure that their clients and borrowers engage in processes with indigenous peoples affected by bank-financed projects to secure their free, prior and informed consent.

6. The Permanent Forum demands that the World Bank brings its policy on indigenous peoples (OP 4.10) into full compliance with the United Nations Declaration on the Rights of Indigenous Peoples. The Forum attaches particular importance to the need for the Bank to adopt the standard of free, prior and informed consent and, in general, to institutionalize and operationalize an approach based on human rights. The Forum reiterates its recommendation, made at its twelfth session, that the emerging instruments of the Bank and other agencies must be harmonized with the Declaration, which is regarded as a reflection of the minimum human rights standards necessary for the promotion and protection of indigenous peoples, nations and communities. Such instruments should be consistent with or exceed those minimum standards. The Forum underlines the need for the Bank's operational policies to use language that is consistent with the Declaration.

7. The Forum notes with concern the unsatisfactory implementation of the World Bank's policy on indigenous peoples, as documented by many of the Bank's internal reviews, most notably the 2011 internal review report and the 2010 report by the Independent Evaluation Group, *Safeguards and Sustainability Policies in a Changing World*. Strict adherence to safeguards of indigenous peoples' rights is necessary. The Forum recommends that efforts be directed towards compliance machinery within the Bank, both up front, when dealing with projects and design and approval processes, and in post-project enforcement mechanisms.

8. The Forum also notes with concern that the World Bank's operational policies, including its policy on indigenous peoples, have limited application, covering only investment lending and not other Bank operations. The Forum recommends that the outcome target of the Bank's process to review and update its safeguards be a set of safeguards and follow-up mechanisms covering all finance instruments and all other Bank operations.

9. The Permanent Forum calls upon the World Bank to strengthen its accountability mechanisms so that they focus on situations in which its funded projects adversely affect indigenous peoples and also to proactively implement specific measures to meaningfully contribute to the progressive realization of the right of indigenous peoples to self-determination.

10. The Permanent Forum recommends that the World Bank, in consultation with the Forum, the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples, examine the involuntary resettlement of indigenous peoples in connection with projects financed by the Bank and submit a report thereon in 2014.

11. The Permanent Forum takes note of the World Bank's announcement that it will establish an indigenous peoples advisory council. The Forum accepts the

invitation to contribute to this process in order to put in place a balanced and transparent consultations process to shape this advisory council.

12. The Permanent Forum calls upon the Nordic Trust Fund of the World Bank to ensure that the recipients of its funds, which include many multilateral development banks, fully respect the rights of indigenous peoples. The Forum recommends that the Nordic Trust Fund use its resources to influence multilateral development banks to implement their operational policies fully.

13. The Forum appreciates the steps taken by the African Development Bank to include safeguards for indigenous peoples in its integrated safeguards system. The Forum is concerned, however, that the Bank remains the only multilateral bank not to have a stand-alone safeguard policy for indigenous peoples. The Forum recommends that the Bank fast-track, in coordination with the African Commission on Human and Peoples' Rights and other regional bodies, a regional policy framework for indigenous peoples in line with the provisions of the African Charter on Human and Peoples' Rights and report on progress to the Forum at its thirteenth session, in 2014. The Forum further recommends that the Bank develop a mechanism specifically to support the entrepreneurship activities of indigenous peoples.

14. The Forum urges the Asian Development Bank, in projects that it funds, including the Chittagong Hill Tracts rural development project in Bangladesh, to ensure that it avoids adverse impacts on indigenous peoples and their watersheds and other fragile ecosystems and to promote the rights of indigenous peoples to land and resources.

15. The Permanent Forum encourages international financial institutions to establish policy mechanisms and programme frameworks requiring corporations to comply with the Guiding Principles on Business and Human Rights, which were unanimously endorsed by the Human Rights Council in 2011, in addition to the United Nations Declaration on the Rights of Indigenous Peoples, International Labour Organization Convention No. 169, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

16. The Permanent Forum takes note of the report on indigenous people's rights and safeguards in projects related to reducing emissions from deforestation and forest degradation (E/C.19/2013/7), including its conclusions and recommendations.

17. The Permanent Forum, noting the significance for indigenous peoples of the negotiations under way at the World Intellectual Property Organization (WIPO) on intellectual property and genetic resources, traditional knowledge and traditional cultural expressions, strongly encourages representatives of indigenous peoples to participate in those negotiations, consistent with article 18 of the Declaration.

18. The Permanent Forum welcomes the role that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities has played since 2005 in funding the participation of indigenous peoples in sessions of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and calls upon States, foundations and other organizations to contribute to the Fund.

19. The Permanent Forum, recalling the comprehensive dialogue held with the WIPO secretariat at its eleventh session, in 2012, and the recommendations that it

then addressed to WIPO, acknowledges the activities undertaken by WIPO to date in response to the recommendations and welcomes, in particular, the holding of an indigenous expert workshop in April 2013, jointly organized by the secretariats of the Forum and WIPO, as recommended by the Forum.

20. The Permanent Forum welcomes the holding of the first global meeting of the Indigenous Peoples' Forum at the headquarters of the International Fund for Agricultural Development (IFAD) in Rome on 11 and 12 February 2013, in conjunction with the thirty-sixth session of the IFAD Governing Council. The Permanent Forum is encouraged by the dialogues between the members of the Indigenous Peoples' Forum and the members of the IFAD Governing Council, including the presentation of the declaration adopted at the global meeting. The Permanent Forum urges further and continued dialogue between IFAD and indigenous peoples, consonant with the IFAD policy on engagement with indigenous peoples, including the monitoring of IFAD-funded projects involving indigenous peoples.
